

428,1051

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OCT 06 2006

UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner: ARNOLD, Ernst V. Art Unit: 1616

Re: Application of: KIM, In-San, et al.

Serial No.: 10528,749

Filed: March 22, 2005

For: BONE-FILLING COMPOSITION FOR  
STIMULATING BONE-FORMING AND  
BONE-CONSOLIDATION COMPRISING  
CALCIUM SULFATE AND VISCOUS  
BIOPOLYMERS

Confirmation No.: 8173

LETTER REGARDING DECLARATION UNDER 37 CFR 1.132

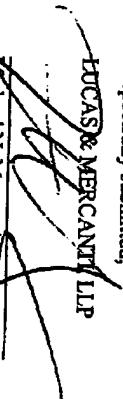
VIA FAX 571-273-8300

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

SIR:

A declaration under 37 CFR 1.132 is submitted herewith.

Respectfully submitted,

  
LUCAS & MERCANTI LLP  
Michael N. Mercanti

Reg. No. 33,966

LUCAS & MERCANTI, LLP  
475 Park Avenue South  
New York, New York 10016  
Phone: 212-661-8000  
Fax: 212-661-8002

CERTIFICATE OF FACSIMILE TRANSMISSION  
I hereby certify that this Declaration is being facsimile  
transmitted to the Commissioner for Patents on the  
date shown below.

October 6, 2006

LUCAS & MERCANTI, LLP

BY:   
Michael N. Mercanti

From: LUCAS & MERCANTI, LLP

1 212 661 8002

10/06/2006 14:24 #090 P.009/010

In re application of: Cho *et al.*

Application No. 10/528,749

Filed: March 22, 2005

Confirmation No. 8173

For: BONE-FILLING COMPOSITION FOR STIMULATING BONE-  
FORMATION AND BONE-CONSOLIDATION COMPRISING  
CALCIUM SULFATE AND VISCOUS BIOPOLYMER

Examiner: ARMOLD, ERNST V

Art Unit: 1616

Attorney Reference No.: 428.1051

COMMISSIONER FOR PATENTS

P.O. BOX 1450

ALEXANDRIA, VIRGINIA 22313-1450

**DECLARATION UNDER 37 C.F.R. §1.132**

1. We, Byung-Chae Cho and In-San Kim are co-inventors named in the above-referenced patent application.

2. It is our understanding that claims 1 – 6 of the present invention are same with the literature of Cho *et al.* (J. Crniolafc. Surg. 2002 May 13(3), 465-75) or motivated thereof. The other co-authors of the identified literature (Jae-Woo Park and Bong-Soo Balk) are not co-inventors of the subject matter claimed in the above-referenced application in deed, and merely worked under the supervision and direction of the inventors.

3. We hereby declare that all statements made herein of our own knowledge are true and that all statement made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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Attorney Reference Number 428.1051  
Application Number 10/528,749

From:LUCAS & MERCANTI, LLP

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Byung-Chae, Cho

Date

Kim, In-San

Sep 6. 2006

In-San, Kim

Cho, Byungchae

Sep 4. 2006